

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wise Regional Health System, Decatur, Texas	)	Call Sign WRAT408
	)	
Request for Waiver of Section 1.946 of the	)	
Commission's Rules	)	

**ORDER**

**Adopted: October 13, 2020**

**Released: October 14, 2020**

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

1. On April 3, 2019, the Public Safety and Homeland Security Bureau (Bureau) notified Wise Regional Health System (Wise) that the Bureau had placed license, call sign WRAT408, on Termination Pending status because Wise failed to meet the construction and construction notification requirements of the Commission's rules.<sup>1</sup> On June 4, 2019, Wise filed a Petition for Reconsideration of the notice of termination of its license.<sup>2</sup> We dismiss the Petition as untimely.

2. Section 1.106(f) of the Commission's rules requires that a petition for reconsideration "shall be filed within 30 days from the date of public notice of the final Commission action..."<sup>3</sup> Thus, the deadline for Wise to file a reconsideration petition was May 3, 2019, 30 days after the Bureau notified Wise of the pending termination. However, Wise did not file its Petition until June 4, 2019. Because the Petition does not meet the requirements of section 1.106(f), we must dismiss it as untimely.<sup>4</sup>

3. If Wise desires to continue operating under the parameters formerly set forth under call sign WRAT408, it must file a new, properly coordinated application. In addition, if Wise needs to operate while the application is pending with the Commission, it must immediately file a request for special temporary authority in accordance with section 1.931 of the Commission's rules.<sup>5</sup>

4. Accordingly, IT IS ORDERED, pursuant to the authority of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), section 1.106 of the Commission's Rules, 47 CFR § 1.106, and Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a), that the Petition for Reconsideration filed by the Wise Regional Health System on June 4, 2019, IS DISMISSED.

<sup>1</sup> See Auto Termination Letter, Reference Number: 6476895 (dated Apr. 3, 2019) (Auto Termination Letter). As a condition of its authorization, the Commission's rules required Wise to construct its station, Call Sign WRAT408, by Jan. 12, 2019. 47 CFR § 1.946.

<sup>2</sup> Petition for Reconsideration filed June 4, 2019 by Wise Regional Health System (Petition).

<sup>3</sup> 47 CFR § 106(f).

<sup>4</sup> 47 CFR § 1.106(f) is based on Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a). Other than in circumstances not present here, this statutory requirement cannot be waived. See *Reuters Ltd. v. FCC*, 781 F.2d 946, 951-952 (D.C.Cir.1986).

<sup>5</sup> See 47 CFR § 1.931.

5. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau